

**CHRISTENSEN JAMES & MARTIN, CHTD.**

Kevin B. Christensen, Esq. (175)  
Wesley J. Smith, Esq. (11871)  
Kevin B. Archibald, Esq. (13817)  
7440 W. Sahara Avenue  
Las Vegas, Nevada 89117  
Telephone: (702) 255-1718  
Facsimile: (702) 255-0871  
kbc@cjmlv.com, wes@cjmlv.com, kba@cjmlv.com,  
*Attorneys for Board of Trustees of UNITE HERE*  
*Health, et al.*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

BOARD OF TRUSTEES OF UNITE HERE  
HEALTH, *et al.*,

Plaintiffs,

vs.

HRE HOLDINGS, LLC, a Nevada limited  
liability company d/b/a Yong Kang Street, *et*  
*al.*,

Defendants.

CASE NO.: 2:21-cv-00498-JCM-EJY

**STIPULATION AND ORDER FOR  
STAY OF DISCOVERY**

**(SIXTH REQUEST)**

Plaintiffs and Defendants, each acting by and through their undersigned counsel, respectfully submit this Stipulation and Order for Stay of Discovery (Sixth Request) ("Stipulation and Order"). This Stipulation and Order constitutes the parties' sixth request for such an extension and is being entered in good faith and not for the purpose of improper delay.

**A. BACKGROUND**

1. Plaintiffs filed the Complaint on March 25, 2021.
2. Defendants answered the Complaint on May 28, 2021.
3. On November 29, 2021, the parties were due to file the proposed Discovery Plan and Scheduling Order.
4. Defendants allege that: (i) the restaurant operated by Defendant YKS Paris, LLC, is closed and out of business, the lease for the restaurant space having been terminated; (ii) Defendants have had no revenue coming to Defendants for many months; (iii) Defendants

1 are willing to put their resources, including monetary, into trying to resolve this case; (iv)  
2 Money put into attorney's fees and costs to engage in discovery will most likely negatively  
3 affect the resources available for settlement; and (v) Defendants understand the responsibilities  
4 of the Plaintiffs, who have obligations as fiduciaries.

5 5. The parties want to minimize to the extent possible the expenditure of monies  
6 for attorneys' fees.

7 6. On July 16, 2021, the Parties filed a Stipulation and Request for Stay of  
8 Discovery for Seventy-Five (75) Days (First Request) to allow (i) the parties to informally  
9 exchange data and documents, (ii) the Plaintiffs time to perform an audit and firm up the  
10 amounts they seek from Defendants, (iii) the Defendants to make determinations relative to the  
11 individual Defendants' liability, and (iv) the parties the opportunity to discuss the possibility of  
12 settlement. The Court entered its Order Granting the Stipulation on July 19, 2021.

13 7. The parties have exchanged preliminary documents and data, much of which  
14 they believe will be the same as the document and data discovery in this Case. Defendants  
15 produced approximately 1,016 pages of documents to Plaintiffs, that took some time to gather.

16 8. Following Defendants' production of the data and documents, Plaintiffs  
17 performed an audit and provided the Defendants with the findings.

18 9. On October 7, 2021, November 5, 2021, November 29, 2021, and February 3,  
19 2021, the Parties filed subsequent Stipulations and Orders for Stay of Discovery to allow the  
20 parties additional time to discuss settlement. The Court's Orders stayed Discovery until March  
21 7, 2022, and allowed them until March 14, 2022, to file a Discovery Plan and Scheduling  
22 Order.

23 10. The parties have agreed to settlement terms, have exchanged draft settlement  
24 documents, including a Stipulation to Dismiss the Case asking the Court to retain jurisdiction to  
25 enforce the settlement terms.

26 11. The parties anticipate that a further 14-day extension will be sufficient for the  
27 parties to finalize, execute and file the settlement documents with the Court, as needed.  
28

12. This Stipulation is made for the purposes stated above and not for purposes of delay or any other improper purpose.

**B. STAY OF DISCOVERY**

1. The parties agree to stay discovery in this matter for fourteen (14) days from March 14, 2022 through March 28, 2022.

2. If the parties do not have an agreement to settle and have not filed to dismiss the Case by March 28, 2022, the parties will file a Discovery Plan and Scheduling Order no later than April 4, 2022, which at this juncture the parties expect to file in compliance with LR 26-1(b). That document is already in draft form.

CHRISTENSEN JAMES & MARTIN, CHTD.

KAMER ZUCKER ABBOTT

By: /s/ Kevin B. Archibald  
Kevin B. Archibald, Esq. (NV Bar 13817)  
7440 W. Sahara Avenue  
Las Vegas, Nevada 89117  
Tel: (702) 255-1718  
Email: kba@cjmlv.com  
*Attorneys for Plaintiffs Board of Trustees  
of UNITE HERE Health, et al.*

By: /s/ Kaitlin H. Paxton  
Kaitlin H. Paxton (NV Bar 13625)  
3000 W. Charleston Blvd., Ste. 3  
Las Vegas, Nevada 89102  
Tel: (702) 259-8640  
Email: kpaxton@kzalaw.com  
*Attorneys for Defendants HRE Holdings,  
LLC, et al.*

DATED: March 14, 2022

DATED: March 14, 2022

**ORDER**

For the reasons stated above, and for good cause, it is hereby ordered as follows:

1. Discovery is stayed until March 28, 2022.
2. If the parties do not have an agreement to settle and have not filed to dismiss the Case by March 28, 2022, the parties will file a Discovery Plan and Scheduling Order no later than April 4, 2022.

**IT IS SO ORDERED.**

  
UNITED STATES MAGISTRATE JUDGE

DATED: March 14, 2022